

Good Samaritans Tossing A Towline: For Free or for Money?

Tips on How to Help a Boater in Need of a Tow

ALEXANDRIA, Va., June 5, 2014 -- Tossing a towline to a disabled boat and bringing it back safely to the launch ramp is a time honored act of kindness that recreational boaters have always done for each other. But what happens if the Good Samaritan tossing the line decides to charge for their services? Is there much of a difference between a Good Sam looking for a little extra gas money and a professional towing service charging for on water towing services?

According to [Boat Owners Association of The United States](#), once money changes hands for a routine tow, a Good Sam is opened up to a world of liability they may not want in their lap. Accepting money also requires a mariner's credential – such as a Captain's license – and would require commercial registration of the towing vessel.

While Boat Owners Association of The United States offers the largest on water towing fleet in the US, it understands the law of averages: There are 12 million registered recreational vessels in the nation and some are bound to breakdown. In 2013, the BoatUS 24-hour dispatch centers alone received 70,000 requests for on water assistance, and the boat owners group says there are likely thousands of Good Samaritans each year lending a helping hand to other boaters. Said BoatUS Towing Services Vice President Adam Wheeler, "Towing is a job best left for the professionals, but many boaters often find themselves in areas where professional assistance is not available."

While Good Samaritan laws vary from state to state, they generally provide that anyone who renders aid to injured persons is not liable for any damages if the assistance is provided in good faith, without compensation or other consideration, and without gross negligence. And in fact, in some states, failing to render emergency assistance to the persons involved can also possibly put you in trouble with the law – but there is no duty to require a Good Sam to tow or "save" a boat.

For federally designated 'navigable' waterways, federal law trumps state law and says that the master or individual involved in rendering assistance "is not liable for damages as a result of rendering assistance or for an act or omission in providing or arranging salvage, towage, medical treatment or other assistance when the individual acts as an ordinary, reasonable and prudent individual would have acted under the circumstances."

"A boater who does not charge for rendering assistance is protected under the Good Samaritan laws for any damages or injuries that might occur during the tow," said Wheeler. "If money exchanges hands and someone gets injured or the disabled boat gets damaged, you're no longer considered a Good Sam and would be opening the door to much more liability. You may be even personally liable, depending on your insurance policy – if you have one. It's just something else to think about before throwing a towline and asking for money. A commercial towing company carries insurance to cover those types of mishaps."

For boaters committed to being a Good Samaritan, BoatUS has these tips:

1. Never put yourself in danger or go beyond your capabilities.
2. For the safety of everyone, always report disabled vessels to the Coast Guard or other authority.
3. Ensure that your cleats are properly backed and you have the properly sized tow line (some lines can stretch and suddenly break).
4. Understand that once you start towing, the Good Sam has a duty for the safety and care for those aboard the disabled vessel.
5. Minimize risk by having everyone don their life jackets and remain seated – away from the bow in case a line parts or cleat gives way.
6. Maintain headway for control, but don't tow any faster than leaving a small wake.

7. Be careful to prevent other boat traffic from crossing the towline. Keep a horn or whistle available to warn others to stay clear.
8. Always tow to the nearest safe place. While it may not be near where anyone wants to go, it will shorten the time of the tow and minimize any exposure liability, and gets passengers to a place where they can fix the boat or arrange for a proper tow. The BoatUS 24-hour Dispatch Center can be reached at 800-391-4869 or via the free [BoatUS Towing App](#).
9. Another option is to stand close by, but not undertake the tow and wait for a responder to arrive while staying close just in case of emergencies. A Good Sam could also remain on the right side of the law - and keep potential liability low - by simply removing the disabled boat's occupants and returning them to the dock, while arranging for a local tow of the broken down (and safely anchored) boat.

"It's always good to help out a fellow boater because sooner or later, it could be you asking for a tow back to the dock," said Wheeler. "However, the best backstop for routine on water troubles is to consider a BoatUS annual towing plan." BoatUS towing plans start at \$67 annually (freshwater boaters) and include BoatUS or BoatUS Angler membership. For more, go to www.BoatUS.com/towing.

###